CHAPTER 7

BANKRUPTCY CASE OPENING

NOTE: This chapter should be utilized when filing Chapter 11 cases, cases where the filing fee will be paid in installments and for cases prepared without petition software.

Opening a New Bankruptcy Case (All Chapters)

Statement of Social Security Number(s)

Upload a Creditor Matrix or Individual Creditor

Filing a Plan

Bankruptcy Case Opening

This module will demonstrate the steps to take to open a new bankruptcy case in the CM/ECF system. Note: If your bankruptcy petition software program provides the auto-upload case feature, it will not be necessary to enter the information as described in this module, nor to upload the creditor matrix. This will be auto-uploaded by using the Case Upload hypertext link on the Bankruptcy menu. Check with your petition software company to find out if the case upload feature is available.

The Petition must be accompanied by a "Declaration Under Penalty of Perjury for Electronic Filing" and a "Statement of Social Security Numbers" in PDF format. Each item will be filed separately using the appropriate event. Both forms are available on the Court's website.

STEP 1 Click the Bankruptcy hypertext link on the CM/ECF Main Menu Bar.

STEP 2 The **Bankruptcy Events** menu displays.

- Click the Open a BK Case hypertext link.

STEP 3 The **Case Data** screen displays. **(See Figure 1)**

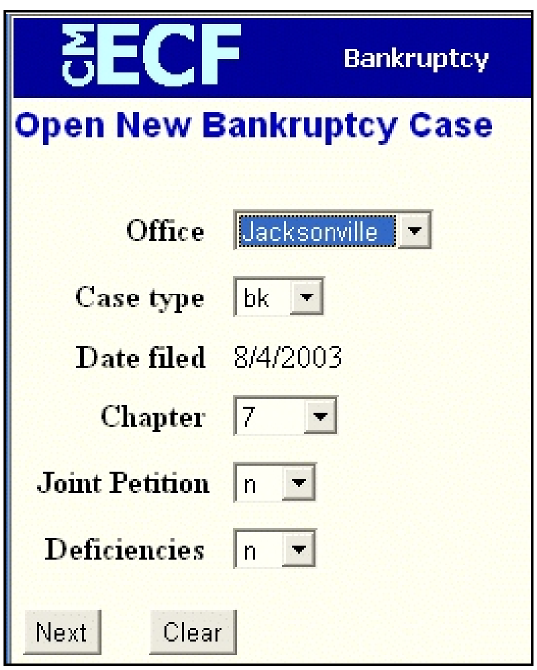


Figure 1

- Click the drop down arrow ▼ to reveal the list of **Office** (division) options. Click to highlight the division in which the case is being filed. You may refer to Local Rule 1071-1 for a list of counties handled by the divisional offices.

- The **Case Type** defaults to **bk** (banktuptcy). This is the only option. No action is necessary.

- The **Date Filed** defaults to the current date. This date cannot be changed and will be deemed the filing date of the petition.

- Click the down arrow ▼ to reveal the list of available **Chapter** options. (**Note**: The system defaults to Chapter 7.) Click to select the appropriate Chapter.

- Click the down arrow ▼ to reveal the list of **Joint Petition** options. **Note**: The system defaults to ***'n'*** for no - meaning this is not a joint (husband and wife) filing. Accept the default, or click to select ***'y'*** for yes.

- Click the down arrow ▼ to reveal the list of **Deficiencies** options. The system defaults to ***'n'*** meaning there are no deficiencies, and that this new filing contains all required documents. If any items are missing from the petition, click to select ***'y'*** for yes.

  Note: If ***'y'*** is selected, you will be prompted to list the deficiencies in a later screen.

- Click **[Next]** to continue.

STEP 4 The **Search for a Party** screen displays. **(See Figure 2)**

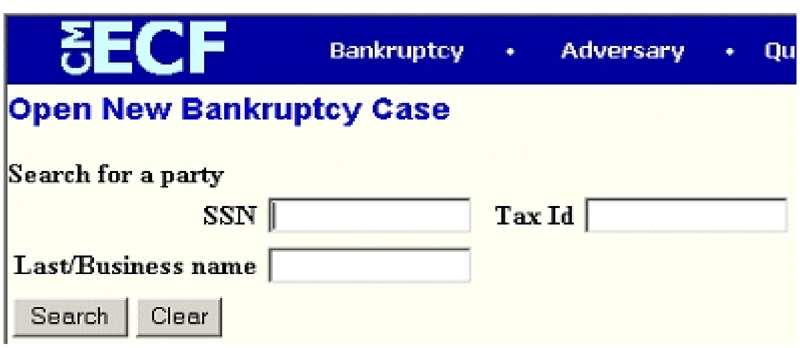


Figure 2

- The database must always be searched to see if the debtor(s) exist before a new party can be added.
- Type the Social Security Number or Tax Identification Number.
- Click **[Search]** to continue.

STEP 5 The **Party Search Results** screen displays. **(See Figure 3)**

Figure 3

- If the system does not locate the party in the database, the message "**No Person Found**" will be displayed.

  - Click **[Create new party]** to add the debtor into the system and proceed to **STEP 6**.

- If the system does locate the party in the database, a **Party search results** screen will display. **(See Figure 4)**

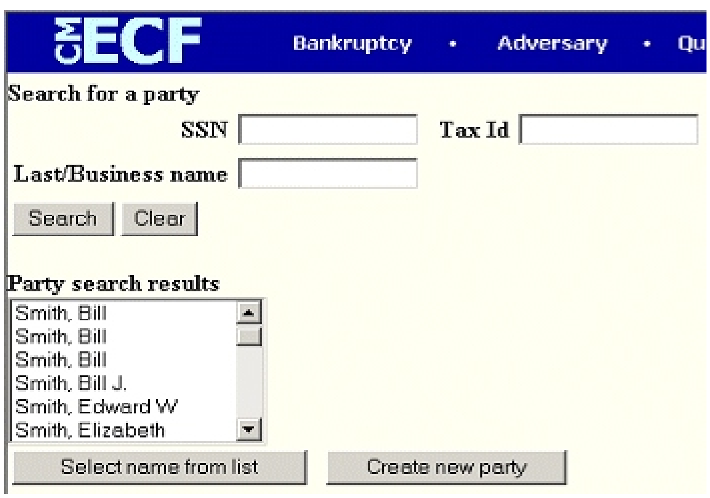


Figure 4

- Click the down arrow ▼ to reveal the entire list of search results. Click the name to view the **Person Address** box that contains the social security number/tax identification number, address and county.

  - If the information is correct, click **[Select name from list]** and proceed to **STEP 7**.

- If the information is incorrect, click the other matches (if applicable) to view the information. If no match is found, click **[Create new party]** and proceed to **Step 6**.

STEP 6 The **Party Information** screen displays. **(See Figure 5)**

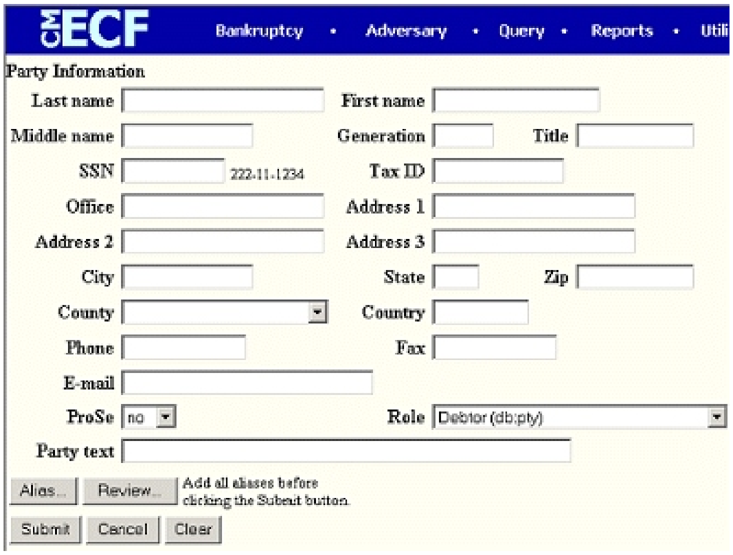


Figure 5

- As shown on the petition, enter the following information:

  - **Last name** of the debtor. If the debtor is a business, enter the full business name in the **Last name** field.
  - **First name** of the debtor.
  - **Middle name** of the debtor.
  - **Generation** of the debtor, if applicable (i.e.: Jr, Sr, III, II).
  - **Title** of debtor, if applicable (i.e.: MD, PHD).

  Note: Information should be typed using upper and lowercase letters and no punctuation should be used. Refer to Style Guide for Electronic Case Filing.

  - **SSN** (Social Security Number), or **Tax ID** (tax identification) of the debtor.
  - **Office** name of the debtor, if applicable. This field is used infrequently.
  - **Address 1**, **Address 2** and **Address 3** can be utilized for the debtor's **mailing address**.
  - **City**, **State** and **Zip** information.

- Click the down arrow ▼ to reveal the list of **County** options. For a faster search, type the first letter of the county name. When located, click to highlight.

- Do not enter the **Country** unless the country of the debtor's residence is <u>outside</u> the United States.

- **Phone**, **Fax** and **E-Mail** information of the debtor should not be entered. If entered, the information will be viewable to the public.

- The **ProSe** box automatically defaults to ***'n'*** for no, meaning that the debtor *is not* representing himself. You will automatically be added as the attorney for this debtor by the CM/ECF system once the case is filed.

- The **Role** type defaults to "**Debtor (db:pty)**". No change is necessary unless you are entering the joint debtor. In which case, click the down arrow ▼ to reveal the list of options and click "**Joint Debtor (jdb:pty)**" to highlight.

- The **Party Text** box can be used to add an additional descriptive nature to the debtor's name. For example: If the debtor was General Foods Store, a division of General Motors Corporation, enter: *General Foods Store* in **Last name** field, and enter: *a division of General Motors Corporation* in **Party text** field.

- If the debtor has any aliases, click **[Alias]** to enter the alias information. The **Alias** screen displays. **(See Figure 6)**

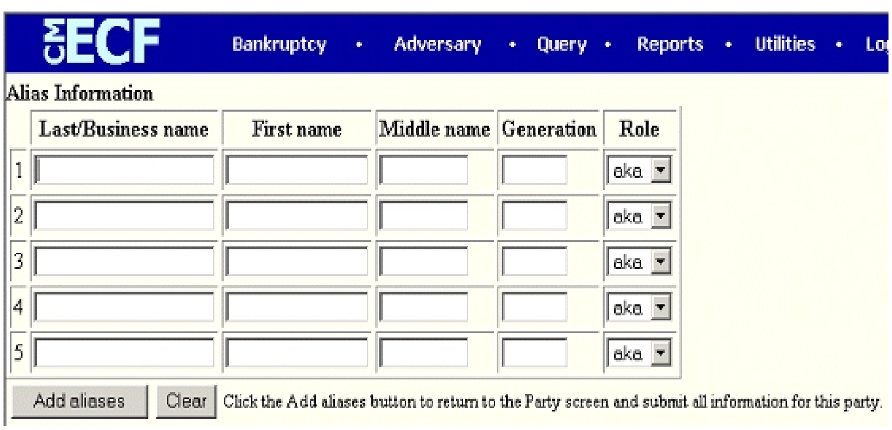


Figure 6

- Enter up to five aliases for this debtor.

- Click the down arrow ▼ to reveal the list of options in the **Role** category. They are: aka (also known as), dba (doing business as), fdba (formerly doing business as) and fka (formerly known as.

- Click to select the appropriate **Role** type for each alias entered.

- Click **[Add aliases]** to submit.

    - If you make a mistake during the addition of aliases, click **[Clear]** to begin again.

    - If you have more than five aliases to add for this debtor, click **[Add aliases]** to add the first five. Then click **[Alias]** again to submit additional aliases. This may be done as often as necessary until all aliases are added to the system.

STEP 7 The **Party Information** screen displays again. Click **[Review]** to verify the debtor's alias information. **(See Figure 7)**

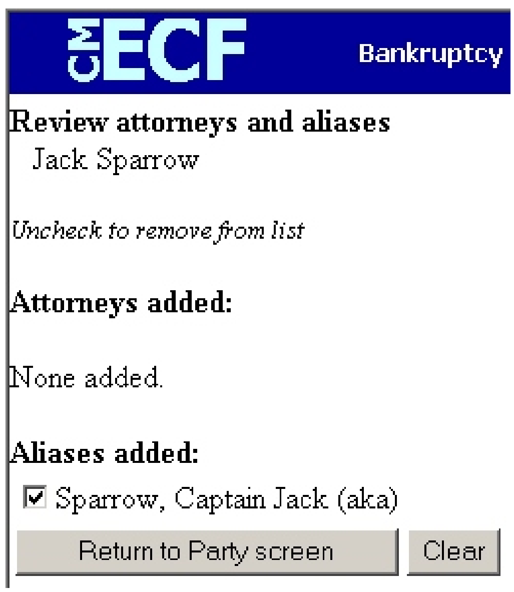


Figure 7

- If an alias was entered incorrectly, you must remove the check mark next to the incorrect alias to delete as an alias cannot be edited. Click **[Return to Party screen]**, and click **[Alias]** to re-enter the correct alias information.

- You will note that in the **Attorney(s) added:** section the message "**None added**" will display. CM/ECF knows who you are, based upon your attorney login, and will automatically add you as the attorney for the debtor.

- If all information is correct, click **[Return to Party screen]** to continue.

- When all the information is correct, click **[Submit]** to continue.

STEP 8 The **Search for a Party (joint debtor)** screen displays if you answered "**y**" at the beginning of the transaction. **(Figure 8)** If you have a non-joint case, proceed to **Step 9**.

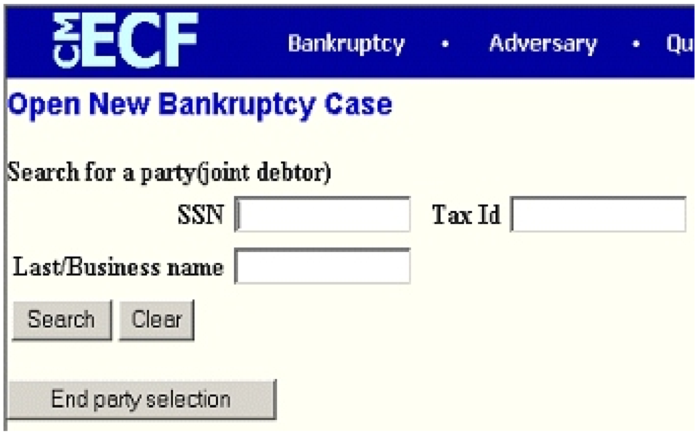


Figure 8

- Repeat **Steps 4 through 7** for the Joint Debtor.

  Note: The option to copy previous party's (main debtor) address will appear checked. If the joint debtor has a different address, remove the check mark before continuing.

- Click the down arrow ▼ to reveal the list of **Role** type options and click "**Joint Debtor (jdb:pty)**" to highlight.

  Note: If this is a joint filing but was not indicated as such **or** if joint filing was inadvertently marked at the beginning of the transaction, return to **Step 1** and begin again.

STEP 9 The **Statistical Data** screen displays. **(See Figure 9)**

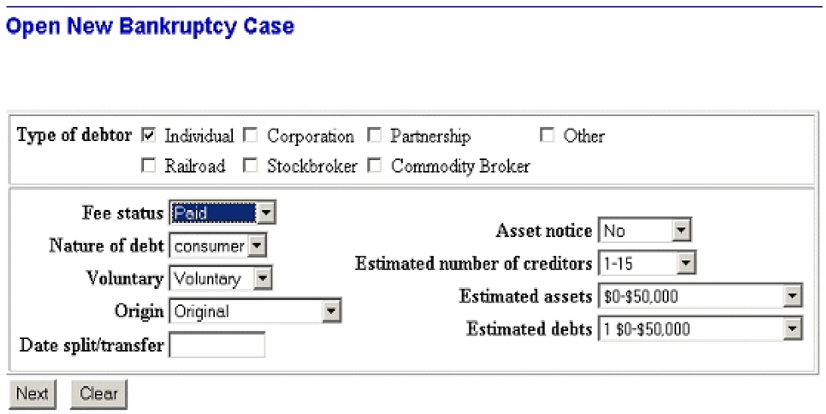


Figure 9

- Indicate the **Type of Debtor** by clicking inside the appropriate box.

- Click the down arrow ▼ to reveal the list of options in the **Fee Status** category. The choices are Paid, Installment, and Credit Card. Select the appropriate payment method.

  - **Paid** is for Court use only.
  - Select **Credit Card** for filing fees paid in full.
  - Select **Installment** if an Application to Pay Filing Fee in Installments will be filed and only partial payment will be made.

- Click the down arrow ▼ to reveal the list of options in the **Type of Debtor** category. The default is Consumer. The other option is Business.

- Click the down arrow ▼ to reveal the list of options in the **Voluntary** category. The default is Voluntary, indicating the petition is a voluntary filing. The other option is Involuntary.

- Click the down arrow ▼ to reveal the list of options in the **Origin** category. The default code is **Original** and should not be changed.

- **Date Split/Transfer** is for Court use only.

- Click the down arrow ▼ to reveal the list of options in the **Asset notice** category. The default is "**No**".

  - If the filing is a Chapter 9, 11, 12 or 13 petition, click to highlight "**Yes**" for asset case.

- If the filing is a Chapter 7 petition, click to highlight "**No**" for no asset case.

Note: For cases filed in **Orlando**, choose the option to reflect what is listed on the petition.

- Click the down arrow ▼ to reveal the list of options in the **Estimated Creditors** category. Click to select the correct range.

  - 1 -15
  - 16 - 49
  - 50 - 99
  - 100 -199
  - 200 - 999

- Click the down arrow ▼ to reveal the list of options in the **Estimated Assets** category. Click to select the correct range.

  - Under $50,000
  - $50,001 - 100,000
  - $100,001 - 500,000
  - $500,001 - 1 million
  - $1,000,001 - 10 million
  - $10,000,001 - 50 million
  - $50,000,001 - 100 million
  - More than $100 million

- Click the down arrow ▼ to reveal the list of options in the **Estimated Debts** category. Click to select the correct range.

  - Under $50,000
  - $50,001 - 100,000
  - $100,001 - 500,000
  - $500,001 - 1 million
  - $1,000,001 - 10 million
  - $10,000,001 - 50 million
  - $50,000,001 - 100 million
  - More than $100 million

- When all options are correctly selected, click **[Next]** to continue

STEP 10 The **PDF Document Selection** screen displays.

- Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located. Verify you have selected the correct document by right clicking on the highlighted filename and select **Open** to view the image in Adobe Acrobat. Once verified, close the PDF image and select **Open** from the "Choose File" pop-up screen to associate the PDF file with the docket entry.

  Note: One PDF image is allowed for the Petition, Summary of Schedules, Schedules, Statement of Affairs, Statement of Intentions and Disclosure of Compensation. The Declaration Under Penalty of Perjury for Electronic Filing, Statement of Social Security Numbers, Plan (if applicable) and Application to Pay Filing Fee in Installments (if applicable) will be docketed as separate events and **<u>should not</u>** be part of the PDF image.

- The **Attachments to Document** option defaults to **No** and should not be changed.

- Click **[Next]** to continue.

STEP 11 The **Deficiency** screen displays. **(See Figure 10)**

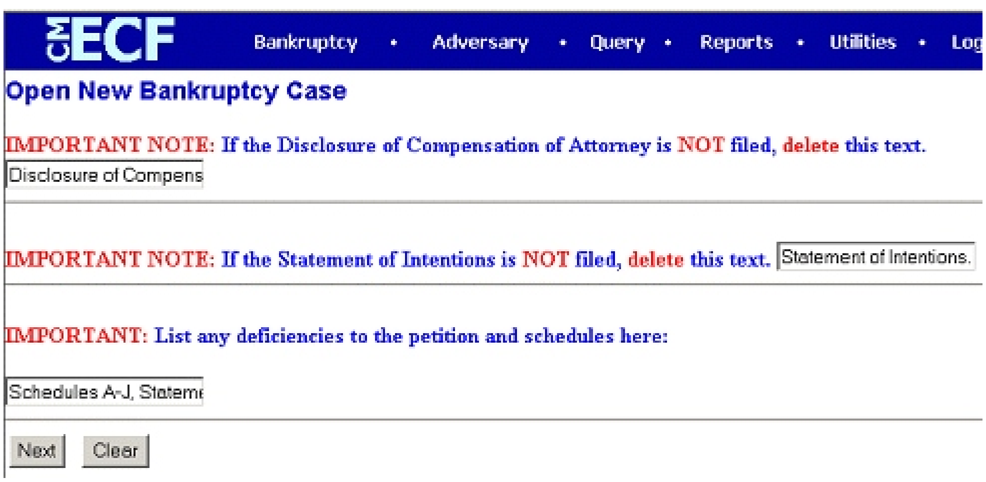


Figure 10

- The first text box automatically notes that the Disclosure of Compensation has been filed. If you have not filed the disclosure of compensation, delete the text.

- The second text box automatically notes that the Statement of Intentions has been filed (if applicable to the bankruptcy chapter that is being filed). If you have not filed the statement of intentions, delete the text.

- In the third text box, type the deficiencies to the petition and schedules (if applicable) using a comma "," to separate the deficiencies. (i.e.: Schedules A-J and Statement of Financial Affairs). The items listed will be reflected in the Docket Text.

  Note: The Court will issue a deficiency notice.

- Click **[Next]** to continue.

STEP 12 The **Filing Fee** screen appears.

- If you selected "**Installment**" at the **Statistical Data** screen, enter the initial fee that will be paid (i.e.: $50.00).

- If you selected "**Credit Card**", the full fee must be paid and the payment screen will appear at the end of the filing.

- Click **[Next]** to continue.

STEP 13 The **Final Docket Text** screen displays. **(See Figure 11)**

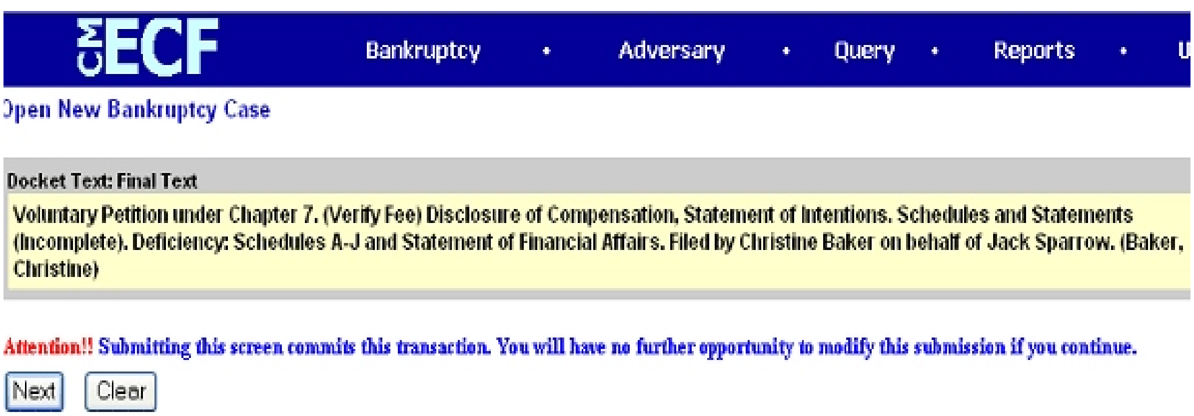


Figure 11

- Verify the Final Docket Text. Read the Attention!! message.

- If the Final Docket Text is <u>correct</u>,

  - Click **[Next]** to continue and officially submit document.

- If the Final Docket Text is <u>incorrect</u>:

- Click the browser **[Back]** button to find the error(s) and proceed with the event.

- To abort or restart the transaction, return to **Step 1** and begin again.

STEP 14 The **Electronic Payment** screen displays. **(See Figure 12)**

Figure 12

- A summary of current charges appears showing the *date incurred, description and amount.*

- The user has the option to **[Pay Now]** or **[Continue Filing].** Although the court recommends that you pay as you go, you may pay at the end of each CM/ECF session.

  Note: If you receive **ANY** messages/warnings during the payment process, **IMMEDIATELY** contact the help desk in the appropriate division. **DO NOT** make further attempts to pay fees without instruction from the Clerk's office. Also, **DO NOT** use the **BACK** button during the payment process. Failure to take these precautions may cause you to be charged twice for the same fee.

- Select **[Continue Filing]** if you are filing multiple cases and want to submit one payment at the end of each CM/ECF session. (You can also combine other fee-based filings before submitting payment). Proceed to **Step 18**.

- If you select **[Pay Now]** proceed to **Step 15**

STEP 15 The **Payment Information** screen will display. **(See Figure 13).**

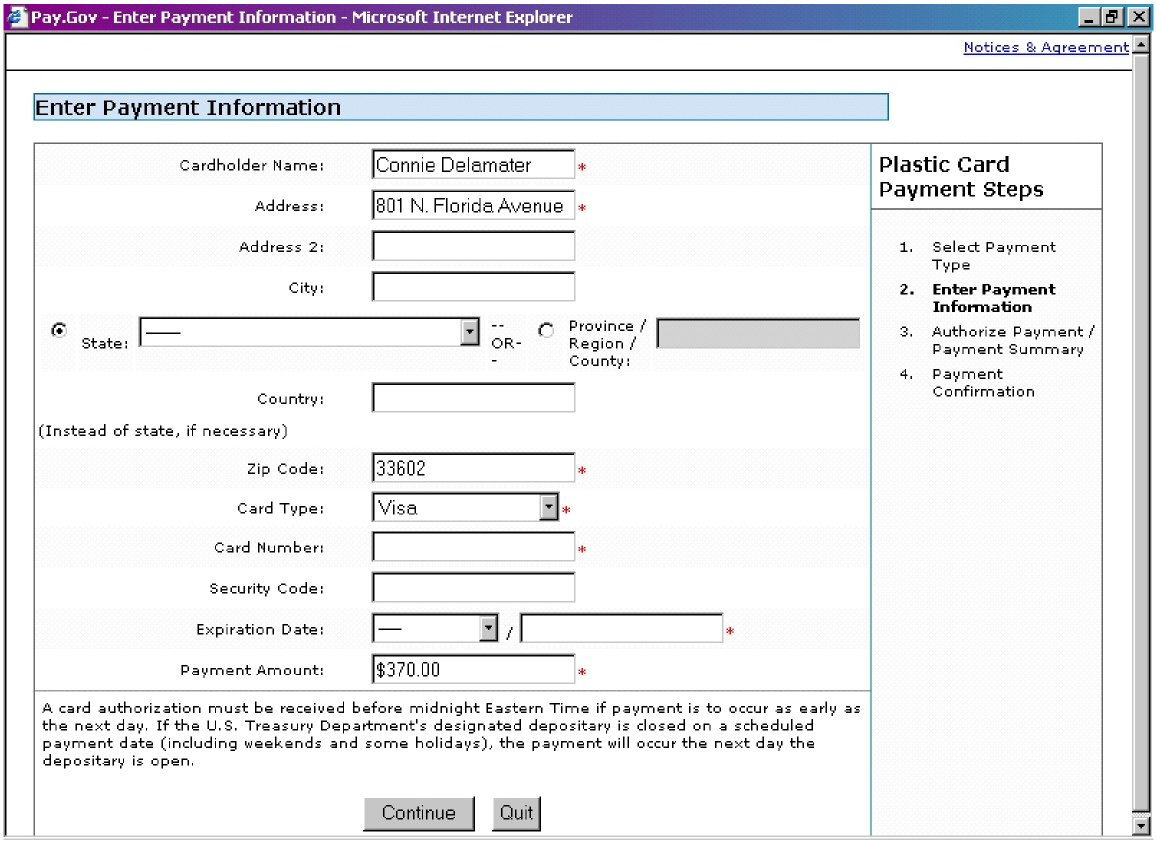


Figure 13

- The fields marked with a red asterisk are mandatory fields. Your name, street address and zip code are automatically filled in based on the information in your ECF account. It is not necessary to add your city and state unless you prefer this information to appear in your confirmation receipt.

- Click the card type. The court accepts the following credit cards:

  Visa
  Master Card
  Discover
  American Express
  Diner's Club

- Enter the credit card number.

- The security code is not required but can be used to provide internal control of your credit card. The transaction will fail if the security code from the back of the card is not entered correctly.

- Select the card's expiration month from the drop down list and enter the expiration year.

- Verify the amount being paid and click **[Continue].**

STEP 16 The **Payment Summary and Authorization** screen displays. **(See Figure 14)**.

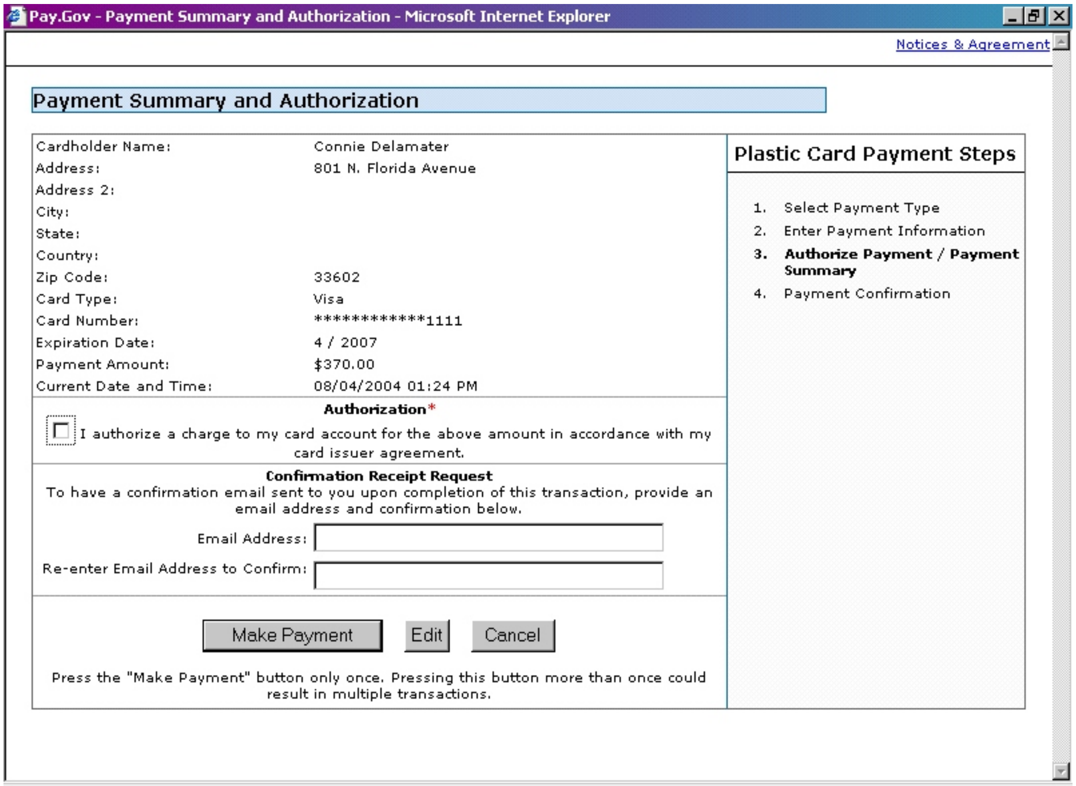


Figure 14

- Verify information and if acceptable, click the Authorization box.

- If you would like to receive a confirmation e-mail, key in your e-mail address in both fields.

  Note: In testing we have found that certain keystrokes, such as hitting the enter key twice, will cause you to receive duplicate confirmation e-mails even though you have only made one payment. Best practice is to click the **[Continue]** and **[Make Payment]** buttons with your mouse.

- Click **[Make Payment]**.

STEP 17 The **Transaction Receipt** screen displays. **(See Figure 15)**.

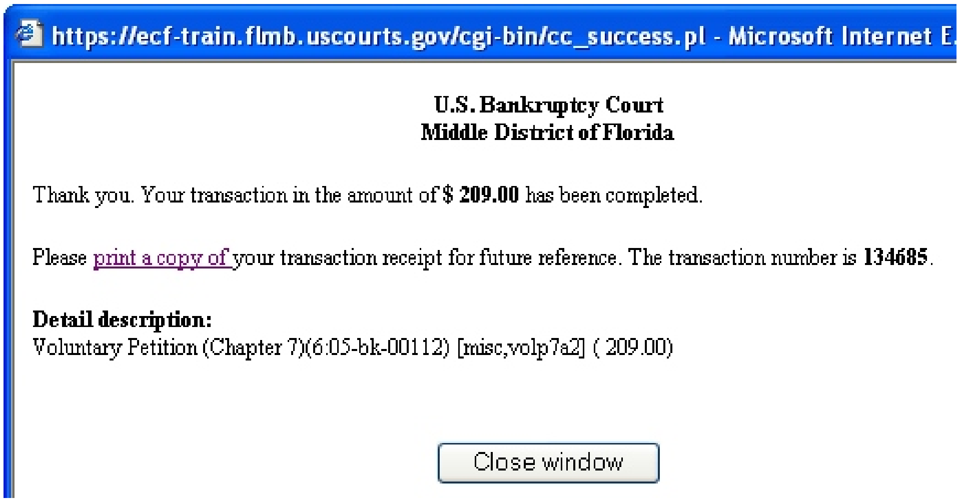
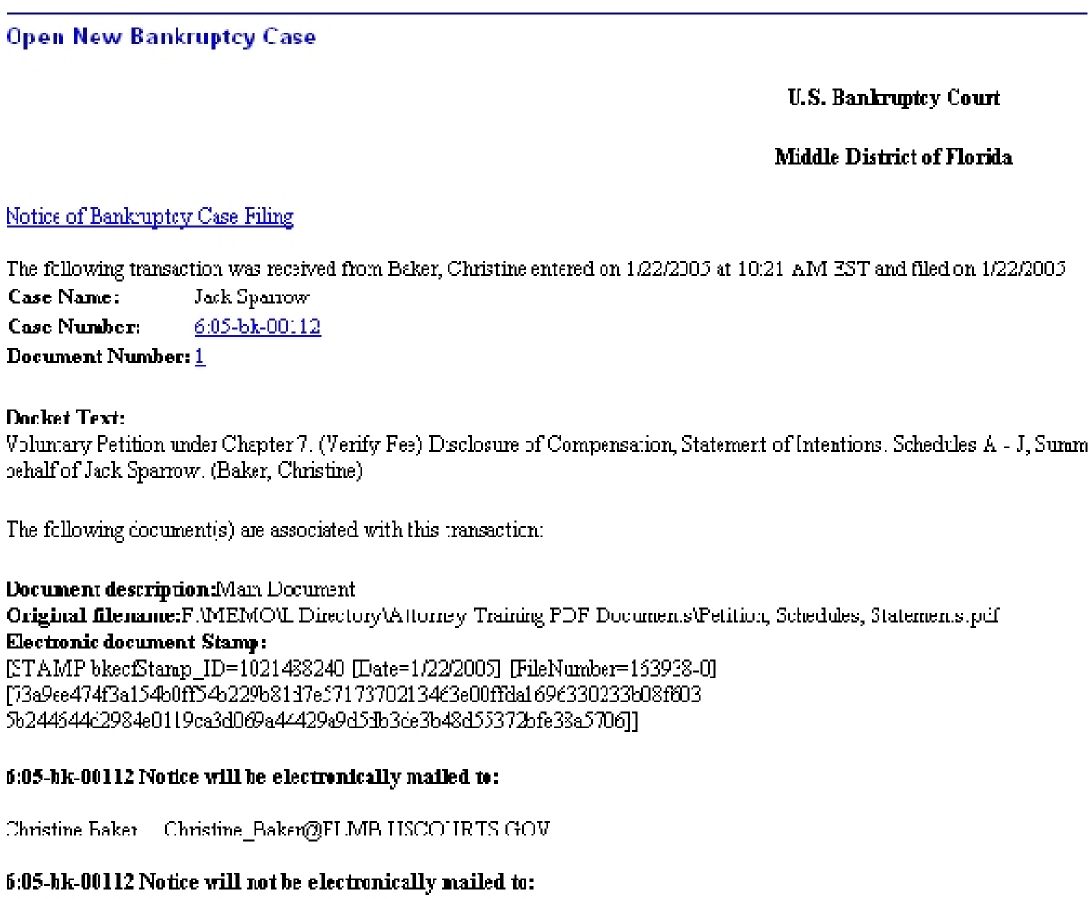


Figure 15

- You can print this screen by clicking on the **print a copy of** hypertext link to save the transaction for future reference. If you provided your e-mail address, the confirmation e-mail you receive will contain the same information.

- Click **[Close Window]** to continue.

STEP 18 The **Notice of Bankruptcy Case Filing** screen displays. **(See Figure 16)**.


Open New Bankruptcy Case

U.S. Bankruptcy Court

Middle District of Florida

Notice of Bankruptcy Case Filing

The following transaction was received from Baker, Christine entered on 1/22/2005 at 10:21 AM EST and filed on 1/22/2005
Case Name: Jack Sparrow
Case Number: 6:05-bk-00112
Document Number: 1

Docket Text:
Voluntary Petition under Chapter 7. (Verify Fee) Disclosure of Compensation, Statement of Intentions. Schedules A - J, Summ
behalf of Jack Sparrow. (Baker, Christine)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:F:\MEMO\L Directory\Attorney Training PDF Documents\Petition, Schedules, Statements.pdf
Electronic document Stamp:
[STAMP bkecfStamp_ID=1021488240 [Date=1/22/2005] [FileNumber=153938-0]
[73a9ee474f3a154b0ff54b229b81d7e571737021343e00ffda1696330233b08f603
5b244544c2984e0119ca3d069a44429a9d5db3ce3b48d55372bfe38a5706]]

6:05-bk-00112 Notice will be electronically mailed to:

Christine Baker Christine_Baker@FLMB.USCOURTS.GOV

6:05-bk-00112 Notice will not be electronically mailed to:

Figure 16

- Clicking on the **<u>Notice of Bankruptcy Case Filing</u>** hypertext link will present official certification that the filing has been received electronically by the court. A PACER account is necessary to view this link.

- The assigned case number will appear. The Judge, Trustee and 341 Meeting information will not be immediately available.

- Clicking on the case number hypertext link will present the *Docket Report* for this case. A PACER account is necessary to view this link.

- Clicking on the document number hypertext link will present the *PDF Image* of the document just filed.

- Scroll down to see participants who have and have not registered for electronic noticing on this case.

- To print a copy of this notice click the browser **[Print]** icon.

- To save a copy of this notice, click **[File]** on the browser menu bar and select **Save Frame As.**

- You may also save the notice through the browser **File/Save** option.